

# **KANSAS**

## **FLOODPLAIN MANAGEMENT NEWSLETTER**



**August 2012**

### **Corps of Engineers Permits**

The Kansas Department of Agriculture Division of Water Resources (DWR) works hand-in-hand with local floodplain managers and the United States Army Corps of Engineers (USACE), which is charged with responsibility for protecting public interest in the waters of the United States, on many floodplain and water projects across Kansas. A permit from the USACE may be required for work done in a wetland, stream, river or lake and it is critical that all stakeholders have a solid understanding of the permitting process. Some activities that could require a permit from USACE include flood fills; causeways; road fills; dams; dikes; artificial islands; bank stabilization; levees; landfills; fish attractors; mechanized clearing of wetlands; excavation; boat docks; boat ramps and power lines in, over or under water.

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It is the responsibility of the floodplain manager for the community to make sure all required state and federal permits have been issued before approving a local permit for floodplain development. Development is defined as any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

The USACE has a one-page handout that explains more details about permitting, which is available online at <http://www.nwk.usace.army.mil/regulatory/activities%20requiring%20permits%20fact%20sheet.pdf>. An electronic version of the handout that includes contact information for USACE is also being sent with the email version of this newsletter. DWR encourages floodplain managers to provide the handout to anyone doing a work in the special flood hazard area inside of their jurisdiction. Also view the USACE map of different districts with contact information for each Corps district online at <http://www.nwk.usace.army.mil/regulatory/Contacts/webregmap-sep2006.pdf>.

Call the USACE Kansas City District office at (816) 389-3390 for more information about permits.

### **Register to Attend Kansas Association for Floodplain Management Conference**

Make plans to attend the Kansas Association for Floodplain Management (KAFM) 2012 Conference Sept. 5-6, in Hutchinson. Attendees will have the opportunity to learn about the basics of the National Flood Insurance Program, emergency preparedness, flood risk mapping, use of LiDAR data and more. For more information about the conference or to register to attend, visit KAFM's website at [www.ekafm.org](http://www.ekafm.org). The conference will be held at the Ramada Hotel and Conference Center located at 1400 N. Lorraine Street and hotel rooms for the conference are available for \$75.

## **Clearing Of Land In Special Flood Hazard Areas**

It is important for landowners to work with their local floodplain managers to obtain the proper local, state and federal permits prior to land clearing projects. Failure to do so can result in costly fines. We need to look no further than Nemaha County to see the consequences of failing to obtain the proper permits. A Nemaha County property owner was having drainage problems near a stream due to overgrowth of vegetation in the stream channel and proceeded to clear the stream channel without any federal, state or local permits. Unfortunately, the drainage area to the stream at this location was greater than 240 acres, making a channel change permit required from Kansas Department of Agriculture's Division of Water Resources (DWR). The area is also in a mapped floodplain under the National Flood Insurance Program (NFIP).

The United States Army Corps of Engineers (USACE) was informed of the violation by the local office of the United States Department of Agriculture-Natural Resources Conservation Service. The USACE contacted the Environmental Protection Agency (EPA) to find out if there were any EPA violations involved. The property owner was sent an order to correct the violation and fined more than \$20,000. The fine was negotiated later to a lower amount.

While the property owner is currently applying for a permit from DWR and restoring the riparian area, this



*Above: A cleared channel from Nemaha County.*

issue could have been prevented if the landowner had applied for permits prior to starting work. DWR, local floodplain managers and others should work to better educate landowners about the permitting process.

Floodplain managers are responsible for floodplain development permits in their jurisdiction. A community should not issue a local permit unless all required state and federal permits have been issued. Landowners are encouraged to call DWR at (785) 296-3855 to learn more about obtaining a permit.

A handout about DWR permit activities will be sent with the email version of this newsletter. The handout can also be requested by calling Steve Samuelson at 785-296-4622.

## **Development Definition**

Miscommunication can sometimes happen when two people use the same word but they each define the word differently. For example, a property owner may think "development" means a new house or building. Floodplain Managers have a much broader definition of "development" pertaining to floodplain regulations. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

A property owner may not think of a pond dam, oil well or storing of ammonia tanks as "development" because these things are not buildings. It is through this lack of understanding that floodplain management violations often happen. Make sure the people you work with understand the correct definition of development.

## **Preferred Risk Policy Extension Program Update**

Over the past two years, there have been many changes made to flood insurance programs. The Kansas Department of Agriculture's Division of Water Resources encourages floodplain managers to explain the changes now to assure property owners are aware of the changes and are not surprised if flood insurance rates change.

Specifically, changes were made to the Preferred Risk Policy (PRP). Effective January 2011, a program was approved that allows for a two-year extension of a preferred risk flood insurance policy for properties newly mapped in to a floodplain in Zone A or AE. The program was made retroactive to October 1, 2008. The PRP extension program has the additional bonus of allowing a grandfathering option for some property owners who had not taken advantage of grandfathering earlier in the mapping process. In communities that received new flood maps in 2009 and 2010, citizens rushed to take advantage of this cost savings program.

Property owners who purchased a PRP in January 2011 will be coming up on the two-year policy limit soon. At the end of two years, the PRP will be converted to either a grandfathered Zone X policy or a Zone A policy. Insurance agents should compare rates to decide which option will save their clients the most money.

To be clear, the PRP extension program is not ending. The program will continue in the future for other areas as new flood maps are developed. The time limit for some property owners with their individual Preferred Risk Policies is the only thing that is ending.

Some property owners have used the two-year PRP extension timeframe to file for Letters Of Map Amendment or to save money for future insurance costs. Some property owners haven't done as much as others and there will be surprised property owners when the cost of their insurance increases in 2013. This will only apply to those people who have the PRP extension and were mapped into an A or AE flood zone. There won't be a change for holders of other types of flood insurance policies.

Community officials who obtained a new Flood Insurance Rate Map (FIRM) between Oct. 1, 2008 and Jan. 1, 2011 can use the next few months to explain this situation to property owners. Use websites, meetings, community newsletters and other forms of outreach to inform your citizens about the facts of PRP extension and grandfathering. Discuss it with insurance agents in the community. Communities with a new FIRM in 2011 or 2012 should time outreach about PRP extension ending to coincide with a time frame of almost two years after the effective date of the flood map.

For some property owners the cost of flood insurance may double or even triple compared to what they had paid with a PRP. Floodplain managers will benefit from explaining the PRP extension deadline to their citizens now. Better to give people this news early so they can be prepared.

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## **Mark Your Calendars for the 2013 ASFPM National Conference in Connecticut**

The 2013 Association of State Floodplain Managers National Conference will be June 9-14, 2013, in Hartford, Conn. This conference is an excellent opportunity for floodplain managers to receive training on mapping technologies, regulations, permitting, outreach and best practices and to network with other floodplain management professionals. It is estimated the conference will be attended by more than 1,300 floodplain management professionals. Funds may become available to subsidize attendance at this conference.

Contact Tom Morey at [tom.morey@kda.ks.gov](mailto:tom.morey@kda.ks.gov) and 785-296-5440 to inquire about available scholarships.

## **Education and Training Opportunities**

The Floodplain Management Program will host the following free training sessions throughout Kansas. If you are interested in any of the no-cost training opportunities, please contact Tom Morey at 785-296-5440 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

### **Post Flood Responsibilities**

This free class is intended for community officials responsible for administering floodplain management regulations. The course focuses on what to do during and after a disaster event. Topics include substantial damage, permitting, increased cost of compliance and violations. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Abilene - Aug. 21, 2012 8:30 a.m.-12:30 p.m.
- Osage City - Oct. 24, 2012 8:30 a.m.-12:30 p.m.

### **Elevation Certificates and Letters of Map Amendment**

This free class is designed for community officials responsible for administering floodplain management as well as surveyors and engineers who complete Letters of Map Amendment (LOMA) and Elevation Certificate forms. The course will focus on accurate completion of Federal Emergency Management Agency (FEMA) technical forms, building diagrams and base flood elevation. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Marion - Oct. 17, 2012 8:30 a.m.-12:30 p.m.
- Bonner Springs - Dec. 6, 2012 8:30 a.m.-12:30 p.m.

### **Basics of the National Flood Insurance Program**

This class is for officials responsible for administering local floodplain management ordinance. The focus is on the National Flood Insurance Program (NFIP) and concepts of floodplain management, maps and studies, ordinance administration and the relationship between floodplain management and flood insurance. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Hoxie - Aug. 13, 2012 8:30 a.m.-12:30 p.m.
- Newton - Oct. 10, 2012 8:30 a.m.-12:30 p.m.

Please call the Floodplain Team at Division of Water Resources whenever you have flooding in your area. The number to call is 785-296-4622. Call us even if the flooding is minor. We don't always find out about every flood event as it happens.

Dane Bailey has joined the floodplain management team at Kansas Department of Agriculture Division of Water Resources. Dane will be assisting communities with risk map, outreach and technical assistance. Get to know Dane at the Kansas Association for Floodplain Management conference in September.

Visit our floodplain management website at <http://www.ksda.gov/structures/content/196> to view past issues of this newsletter.

**Kansas Department of Agriculture**  
**Division of Water Resources**  
**Floodplain Program**  
**Training Registration Form**

Name \_\_\_\_\_

\_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Name, date and location of training you will attend \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Please share this invitation with anyone else who could benefit from the training.

\*\*Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

KANSAS DEPARTMENT OF AGRICULTURE  
FLOODPLAIN MANAGEMENT PROGRAM  
109 SW 9<sup>th</sup> STREET, 2<sup>nd</sup> FLOOR  
TOPEKA, KS 66612-1283  
Fax to: 785-296-1176

If you have questions about training, please contact Steve Samuelson by email at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) or by phone 785-296-4622, or contact Tom Morey at [tom.morey@kda.ks.gov](mailto:tom.morey@kda.ks.gov) or 785-296-5440.

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please call 785-296-4622, or send an e-mail to [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) to report the change.

046-17  
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